

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

WILLIAM HASKINS,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-11643
(Criminal No. 1:95-00072)

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on June 3, 2013, in which he recommended that the court grant plaintiff's motion to dismiss, dismiss plaintiff's motion under 28 U.S.C. § 2255, file plaintiff's "Fed. R. Civ. P. 15(A) motion to amend" as a motion to amend his motion for reconsideration in Criminal Action No. 1:95-00072, and remove this case from the court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted fourteen days and three mailing days in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of

such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

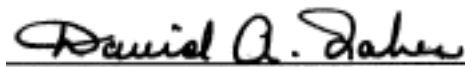
Neither party filed any objections to the Magistrate Judge's Findings and Recommendations within the requisite time period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge VanDervort as follows:

1. Plaintiff's motion for voluntary dismissal is **GRANTED;**
2. Plaintiff's motion under 28 U.S.C. § 2255 is **DISMISSED;**
3. Plaintiff's "Fed. R. Civ. P. 15(A) motion to amend" will be construed as a motion to amend his motion for reconsideration in Criminal Action No. 1:95-00072;* and
4. The Clerk is directed to remove this case from the court's active docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 23rd of April, 2014.

ENTER:



David A. Faber

Senior United States District Judge

* There is no need to have the Clerk file yet another copy of this motion in Criminal Action No. 1:95-00072 as it already appears as Docket Entry 734 and Docket Entry 740.